

### **REMARKS**

#### **FORMAL MATTERS:**

Claims 31-47, 49, 51, and 53-63 are pending after entry of the amendments set forth herein.

Claims 1-30, 48, 50, 52, and 64-79 are canceled without prejudice.

Claims 31, 38, 53, 54, and 60-62 are amended. Support for these amendments is found throughout the specification. For example, support for the amendment to claim 31 is found page 12, lines 1-2; page 27, lines 10-20; and in claim 53 as previously presented.

Claims 38 and 53 are amended with respect to the claims from which they depend. Xx

Claims 54 and 60 are amended for clarity to indicate that the expression vector is transduced into the cells of the composition in vitro (see, e.g., specification page 44, lines 12-15; page 49, lines 18-19; page 52, lines 22-25; page 57, lines 1-3; and page 62, lines 3-5).

Claims 61 and 62 are rewritten in independent form.

No new matter has been added.

#### **INTERVIEW SUMMARY**

Applicants are grateful to Examiner Yaen for the telephonic interview conducted with the undersigned and with Michael Schiff, representative for the licensee, on December 21, 2005. The rejections of record were discussed, as were amendments presented here. The Examiner indicated that the proposed amendments should obviate all rejections of record, and place the application in form for allowance.

#### **ALLOWABLE SUBJECT MATTER**

Claims 53, 61-63 and 76 were objected to as being dependent on a rejected base claim, but were not otherwise rejected. The Examiner indicated that these claims would be allowable if rewritten in independent form. As discussed during the interview, and without acquiescing to any ground of rejection applied, Applicants have amended the pending claims so as to be directed to this allowable subject matter.

**REJECTION UNDER §102(E)**

Claims 31-52, 54-60, 64-75 and 77-79 are rejected as being anticipated by Jaffee et al.<sup>1</sup> as evidence by Cosman et al.<sup>2</sup> This rejection is traversed as applied and as it may be applied to the pending claims.

Without acquiescing to the grounds of rejection, the claims are amended so as to obviate this rejection. Specifically, none of claims 53, 61-63 or 76 are rejected, but rather are only objected as being dependent from a rejected based claim. The claims as presently amended are directed to the allowable subject matter of claims 53, 61-63 or 76.

Applicants intend to pursue coverage to other subject matter previously claimed or described in the specification in a continuation application, without prejudicing coverage for equivalents of the claimed subject matter in the present application for which the patent owner is currently entitled.

Withdrawal of this rejection is respectfully requested.

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<sup>1</sup> U.S. Pat. No. 6,033,674.

<sup>2</sup> *Behring Inst Mitt* (1988) 83:15-26.

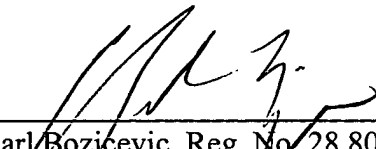
**CONCLUSION**

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number IRVN-001DIV2.

Respectfully submitted,  
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Date: 3/JAN/06

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